IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Crl.MC.No. 2186 of 2007()

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CC.1443/2005 of JUDL.MAGISTRATE OF FIRST CLASS, MAVELIKKARA

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PETITIONER: ACCUSED 1 AND 3

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1. SANKARAPILLA,
CHERUKULATH HOUSE,
ERUVA MURI, PATHIYOOR VILLAGE.

2. SREEKUMARI, KURIYIDATHUTHARAYIL HOUSE
PALLARIMANGALAM, THEKKEKKARA VILLAGE.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. VIJAYAMMA, PLAMOOTTIL VEEDU, PONNAKAM MURI,
THEKKEKKARA VILLAGE, MAVELIKKARA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/07/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**Crl.M.C.No.2186 of 2007**

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Dated this the 6th day of July, 2007

**O R D E R**

Petitioners are accused 1 and 3 and they face indictment for the offence punishable under Section 498 A r/w 34 I.P.C. According to the petitioners, the dispute between the contestants has been settled and it has been agreed that the defacto complainant will compound the offence. Some terms have to be satisfied before such settlement is actually effected. In the meantime, the petitioners find themselves facing the unenviable predicament of warrants of arrest issued by the learned Magistrate chasing them. The petitioners submit that they are innocent. The matter has been settled. Their absence is not wilful. They are willing to surrender before the learned Magistrate and apply for bail. They apprehend that their application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. Therefore it is prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioners.

2. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law

and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

4. The warrants of arrest issued against the petitioners shall not be executed till 23.07.2007.

5. Hand over a copy of this order to the learned counsel for the petitioner.

**(R.BASANT, JUDGE)**

rtr/-